

REMARKS/ARGUMENTS

In response to the Office Action dated September 7, 2005, please consider the following remarks.

In the Office Action issued September 7, 2005, claims 1, 10, 11, 20, 21, and 30 were rejected under 35 U.S.C. §112 as failing to comply with the enablement requirement. Claims 1, 3-7, 10, 11, 13-17, 20, 21, 23-27, and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reed (U.S. Patent No. 6,263,209) in view of Souissi et al. (U.S. Patent No. 6,091,959).

Claims 1, 3-7, 10, 11, 13-17, 20, 21, 23-27 and 30 are now pending in this application. Claims 1, 3, 10, 11, 13, 20, 21, 23, and 30 were amended to clarify the subject matter that the applicant considers to be the invention.

The applicant respectfully submits that the present invention according to claims 1, 10, 11, 20, 21, and 30 does not fail to comply with the enablement requirement. It is believed that one skilled in the art would understand that the phrase “at least one mobile user” implies a set of users greater than or equal to one user, while the phrase “plurality of mobile users” implies a set of users strictly greater than one, a subset of the initial set. Thus, the change in phrasing represents a limitation of the original claims in a manner that would be familiar to one skilled in the art, and no new matter is added.

Therefore, the present invention, according to claims 1, 10, 11, 20, 21, and 30, does not fail to comply with the enablement requirement based on the difference between “at least one mobile user” and a “plurality of mobile users,” and the examiner’s rejection is traversed.

The applicant respectfully submits that the present invention according to claims 1, 3-7, 10, 11, 13-17, 20, 21, 23-27, and 30 are not unpatentable over Reed in view of Souissi. Reed discloses a wireless communication system capable of determining a current location and time of a user and, and, if the location and time matches a stored location and/or time, notifies the user with an alert.

In particular, Reed discloses that the portable subscriber unit carried by a user conducts communications with the fixed portion of the wireless communication system, the communications including an attribute of at least one location. The attribute is recorded, by the portable subscriber unit in the space. A determination is made by the portable subscriber unit in cooperation with the fixed portion, of the current time of day and the current location of the user, through well-known techniques, such as GPS techniques or transmitter identification codes. Then a comparison is made by the portable subscriber unit between the attribute, the current time of day, and the current position of the user to determine whether an alert is necessary. If the alert is found to be necessary, the portable subscriber unit then generates the alert. If not, the portable subscriber unit waits for a predetermined time, and then returns to make another comparison. Reed neither discloses nor suggests the determination of a time interval delay between communications between the portable subscriber unit and the fixed portion of the wireless communication – instead, Reed teaches the use of a predetermined time interval delay that is not part of the process. Further, Reed neither discloses nor suggests consideration of contribution to the network's traffic overhead on the part of either the portable subscriber unit or the fixed portion.

Souissi discloses a method and a controller relating to wireless communication systems, in which the conditions relating to a user, for example, a user's distance from the transmitter or a

user's local time, are used to determine the message type sent to a user. In particular, Souissi discloses the creation of a table for use with a plurality of portable subscriber units and a transmitter. The table maps a plurality of message types onto a set locations at which the portable subscriber units may be found, and, depending upon the location of a given portable subscriber unit, sends a message determined by the table. This table may also include information relating to the local time of a given subscriber unit. Souissi neither discloses nor suggests the inclusion in the table of information relating to contribution to traffic overhead on a network. Further, Souissi neither discloses nor suggests that information relating to contribution to traffic overhead on a network is related in any way to the messages sent to the portable subscriber units.

By contrast, the present invention, for example, according to claim 1, teaches the determination of a time interval delay between communications to and from a plurality of portable subscriber units on a network. The delay is related to the relative traffic over the network that communications with a given portable subscriber unit would contribute, and may include such considerations as the location of a given portable subscriber unit, the local time of a given portable subscriber unit, or the activity of other portable subscriber units near a given portable subscriber unit. Neither Reed, nor Souissi, nor the combination of the two discloses or suggests these claimed elements of the present invention. Therefore, the present invention, according to claim 1, as well as claims 11 and 21, which are similar to claim 1, and according to claims 3-7, 10, 13-17, 20, 23-27, and 30 which depend therefrom, is not unpatentable over Reed in view of Souissi.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

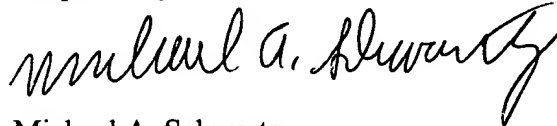
Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19111.0053).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. Schwartz", written in a cursive style.

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Dated: December 7, 2005

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